

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

THOMAS J. HOOGHE

PLAINTIFF

VS.

CIVIL ACTION NO. 3:13cv336-FKB

EYDIE WINKEL, et al.

DEFENDANTS

ORDER

Thomas J. Hooghe, a state inmate, brought this action pursuant to 42 U.S.C. § 1983 alleging that prison officials deprived him of personal property items. Presently before the Court is Defendants' motion to dismiss for failure to exhaust administrative remedies. Having considered the motion, Plaintiff's responses, and his testimony at the *Spears* hearing, the Court concludes that the motion should be granted.

The applicable section of the Prison Litigation Reform Act (PLRA), 42 U.S.C. § 1997(e), requires that an inmate bringing a civil rights action in federal court first exhaust his administrative remedies. *Whitley v. Hunt*, 158 F.3d 882 (5th Cir. 1998). This exhaustion requirement "applies to all inmate suits about prison life." *Porter v. Nussle*, 534 U.S. 516, 122 S. Ct. 983, 992 (2002). The requirement that claims be exhausted prior to the filing of a lawsuit is mandatory and non-discretionary. *Gonzalez v. Seal*, 702 F.3d 785 (5th Cir. 2012). Plaintiff has admitted that he did not pursue his claim through completion in the prison's administrative remedies program prior to the filing of this action. For this reason, Defendants' motion is hereby granted. A separate order of dismissal will be entered.

So ordered, this the 13th day of March, 2014.

/s/ F. Keith Ball
UNITED STATES MAGISTRATE JUDGE